



Appeal Decision

Site visit made on 16 August 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/B3410/W/24/3344376

81 Church Road, Stretton, Staffordshire DE13 0HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990.
 - The appeal is made by Mr S Singh of 5ab Care Limited against the decision of East Staffordshire Council.
 - The application reference is P/2023/01300.
 - The proposal is for change of use from a single dwelling (use class C3 (a)) to use as a children's home (use class C2) for up to four children, insertion of first and ground floor windows to south facing elevation and erection of bin and cycle stores in association with the proposed change of use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a single dwelling (use class C3 (a)) to use as a children's home (use class C2) for up to four children, insertion of first and ground floor windows to south facing elevation and the erection of bin and cycle stores in association with the proposed change of use at 81 Church Road, Stretton, Staffordshire DE13 0HE in accordance with the terms of the application ref: P/2023/01300, dated 27 November 2023, subject to the following conditions.
 - (a) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - (b) The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission: PL.001 Rev A Existing Site and Location Plan at scales 1:500 and 1:1250 dated as received 5 December 2023; PL.002 Existing Floor Plans at scale 1:100 dated as received 27 November 2023; PL.003 Proposed Floor Plans at scale 1:100 dated as received 27 November 2023; PL.004 Existing and Proposed Elevations at scale 1:100 dated as received 27 November 2023; PL.005 Proposed Site Plan at scale 1:500 dated as received 27th November 2023; PL.006 Proposed Refuse Store – Elevations and Floor Plans at scale 1:50 dated as received 27 November 2023; PL.007 Proposed Bike Store – Elevations and Floor Plans at scale 1:50 dated as received 27 November 2023.
 - (c) The development shall only be carried out in accordance with the external materials that are stated within the application and on the approved plans (as listed in condition b). All works of making good shall be undertaken in matching materials.

- (d) The access and car parking areas as shown on 'Drawing No. PL.005 Proposed Site Plan' shall be provided prior to the first bringing into use of the development hereby permitted and thereafter these approved access and parking areas shall be retained and maintained as available for their stated purposes for the lifetime of the development.
- (e) The cycle storage facility as shown on Drawing No. 'PL.007' – Proposed Bike Store' shall be provided prior to the first bringing into use of the development hereby permitted and thereafter shall be retained and maintained as available for use for its stated purpose for the lifetime of the development.
- (f) The premises shall be used for a children's care home for a maximum of 4 no. children between 5 and 18 years of age with a maximum of 4 no. carers and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- (g) Prior to the first use of the premises for the use hereby approved a Management/Operation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Management/Operation plan shall thereafter be fully implemented for the lifetime of the development.

Procedural Matters

- 2. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy (the Framework) which will close on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issue in this appeal, it has not been necessary for me to consult the main parties upon it.
- 3. A lawful development certificate (LDC)¹ has been approved for use of the existing dwellinghouse as a children's home for the care of up to three children and with three carers. The LDC confirms that this use does not amount to development (i.e., a material change of use) requiring planning permission. The development which is the subject of the LDC can be implemented lawfully. In decision making terms, the LDC is a fallback position to which I afford significant weight as a material planning consideration.

Main Issue

- 4. The main issue is the effect of the proposal upon the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance from occupants and visitors including vehicle movements.

Reasons

- 5. The appeal property is detached and falls within an established residential area. It includes a car parking area to the front which can accommodate about three

¹ P/2022/00793

vehicles. To the rear of the property there is a lawned garden which leads to a detached outbuilding. It is proposed to use the property as a children's home for the care of four children between the ages of five and eighteen. Children would have one carer each (8am-10pm) and there would be a total of two overnight carers (one sleep-in, one waking) between 10pm and 8am. A house manager would also be present throughout the week. Each child would have his/her own bedroom. Sleep-in and staff office accommodation is proposed to be created within the upper floor of the property.

6. I do not disagree with the Council that the proposed external alterations to the appeal property would be acceptable. Furthermore, and notwithstanding concerns raised by other interested parties, I do not find that the proposed bin/cycle stores would be unacceptably located or that they would cause harm to any adjoining neighbours in respect of loss of light or outlook.
7. As detailed above, there is an LDC approved for similar development albeit that this lawfully permits a children's home for the care of up to three children and with three carers. I consider it likely that if this appeal were to be dismissed, there is a likelihood of the LDC development being implemented.
8. While the appeal proposal would include an additional child and carer at the appeal property, I do not find that there would be a significant difference in the level of activity and comings and goings when the two developments are compared. Therefore, in this regard, I do not find the concerns of the LPA to be persuasive. I consider that the proposal would not lead to harm to the living conditions of neighbours from noise and disturbance from the coming and goings of staff and visitors.
9. I have also considered the proposal in the context of the use of the property as an existing 'family' dwelling house as I am unaware whether or not the LDC development has been implemented. I note that the proposal would result in two carers attending the property at 8am in the morning and two carers leaving the property at 10pm. There would be a regular shift pattern in place, but given the number of carers involved, coupled with attendance each day by a manager, I do not find that this level of activity would be such that it could reasonably be said to lead to a level of activity, noise or disturbance that would have a materially detrimental or noticeable impact on the occupiers of surrounding properties.
10. The LPA raises a concern about activity associated with school drops offs and visitors to the property and that this would give rise to cumulative harm in noise and disturbance terms. However, it is not uncommon for a family of four children to occupy a single dwellinghouse and for them to attend different schools. While the proposal may result in slightly more visitors than would be the case if the property were used as a single dwellinghouse (for example the proposal may necessitate occasional visits by a social worker(s) and/or other practitioners), I do not find the number of visits, movements and activity would be likely to result in any materially harmful effects upon the living conditions of the occupiers of neighbouring properties.
11. There is space for about three vehicles to park to the front of the property. Given the likely transient nature of the use of the parking area, I do not find that the use of this space would differ significantly from that of a single

dwellinghouse. There are car parking restrictions on Church Road and, notwithstanding the concerns raised by other interested parties about car parking demand/capacity issues, there is little evidence before me to suggest that any possible need to park in surrounding roads where there are no restrictions would give rise to any harmful impacts. Subject to the imposition of a condition controlling the intensity of the proposed use, I do not find that there is any evidence to support a view that the proposal would lead to on-street car parking demand pressures, or that it would result in any material disturbance to neighbouring residents arising from doors slamming or the revving of engines. In reaching this finding, it is noteworthy that the Highway Authority does not object to the proposal.

12. I find that, subject to the imposition of conditions, the proposal would not result in a level of activity, movement or comings and goings which would be dissimilar to the use of the property as a single dwellinghouse. In this context, I note comments made by interested parties that a separate planning application for a children's home has been submitted for a property elsewhere in the street, and hence that I should consider cumulative impacts. It is not clear from the evidence whether the other planning application has been refused or approved. In any event, this is not a decisive matter as I have found that the proposal would not be dissimilar to use of the property as a single dwellinghouse. Therefore, even if the other planning application for a children's home had been approved in Church Road, I do not find that this would have had a material bearing upon my assessment of this appeal.
13. For the above reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance from its occupants and visitors and including vehicle movements. Therefore, it would accord with the amenity requirements of policies SP1, DP1 and DP7 of the adopted East Staffordshire Local Plan 2015 and paragraph 135(f) of the Framework.

Other Matters

14. I have considered the representations made by several interested parties, some of which have been addressed in my reasoning above.
15. I am aware of the perceived fears of some residents about the potential for anti-social behaviour arising from the use of the property as a children's home. It is of course possible that some of the children living in the property may need some support, but there is no reason to doubt that they would be properly cared for and assisted. Furthermore, there would be a manager in attendance each day. Moreover, and as outlined by the LPAI, the proposal is acceptable in land-use principle terms when considered against its development plan for the area.
16. In this case, I do not find that it would be reasonable to refuse planning permission based upon the perceived fears of some about possible anti-social behaviour. This is particularly the case as there is no persuasive evidence to suggest that the children living in the property have or would engage in anti-social behaviour or activity. Furthermore, it is noteworthy that any perceived fears about anti-social behaviour taking place from the property would still be applicable if the LDC development were to be implemented.

17. Concerns are raised about traffic generation. However, no objection has been raised by the Highway Authority about any such matter. There is no objective evidence before me to indicate that the proposal would give rise to any severe or unacceptable highway issues. Reference is made to an appeal elsewhere for similar development which was dismissed based upon traffic movements. I am not bound by such a decision, and in any event, I have determined this appeal upon its individual planning merits. In particular, this assessment has considered the existence of the LDC as a fallback position.
18. Comments have been made that no record of the business can be sourced in terms of Ofsted inspections. The appellant has confirmed that the proposed use would be inspected by Ofsted and I have no reason to doubt that to be the case.
19. I acknowledge that there may be some low-level disturbance arising from the construction works associated with the proposal. However, this would be a short-lived impact and is common in terms of most development proposals. There is no reasonable justification to withhold planning permission on this basis.
20. None of the other matters raised by other interested parties alter or outweigh my conclusion that planning permission should be approved subject to the imposition of conditions.

Conditions

21. The Council has suggested a number of conditions in the event that the appeal is allowed, and the appellant does not disagree with any of them being imposed. Where necessary, I have made minor changes to the suggested conditions in the interests of precision and necessity.
22. It is necessary that I impose the standard three-year commencement condition. In the interests of certainty and for the avoidance of doubt, it is necessary to include a plans condition.
23. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. It is also necessary to impose a condition requiring retention of the car parking area in order to minimise the possibility of on-street car parking pressures elsewhere. To encourage sustainable travel, it is necessary to provide the proposed bike store and thereafter its retention.
24. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose a condition which restricts the number of children cared for to no more than four and the number of carers to no more than four. For the same reason, it is necessary to attach a condition requiring the submission and implementation of a management/operation plan.

Conclusion

25. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. For

the reasons given above, I therefore conclude that the appeal should be allowed.

S. Hartley

INSPECTOR